

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<i>In re Google Advertising Antitrust Litigation</i>	Civil Action No. 21-MD-3010 (PKC)
--	-----------------------------------

**APPLICATION OF SUREFREIGHT GLOBAL LLC D/B/A PRANA PETS, HANSON LAW
OFFICE, AS SUCCESSOR-IN-INTEREST TO HANSON LAW FIRM, PC, AND VITOR
LINDO FOR APPOINTMENT OF ARCHANA TAMOSHUNAS OF TAUS, CEBULASH &
LANDAU, LLP AND APRIL D. LAMBERT OF RADICE LAW FIRM, PC
TO AN ADVERTISER CLASS EXECUTIVE COMMITTEE**

Pursuant to Federal Rule of Civil Procedure 23(g), Advertiser Plaintiffs Surefreight Global LLC d/b/a Prana Pets, Hanson Law Office, as successor-in-interest to Hanson Law Firm, PC, and Vitor Lindo (“Surefreight Plaintiffs”) respectfully submit this memorandum in further support of their application seeking appointment of Girard Sharp LLP and Ahdoot & Wolfson, PC (“Surefreight Counsel”) as interim co-lead counsel for the proposed advertiser class, and to request appointment of Archana Tamoshunas of Taus, Cebulash & Landau, LLP and April D. Lambert of Radice Law Firm, PC, to an Executive Committee, along with any other firms the Court may deem appropriate to appoint to the committee.

I. PRELIMINARY STATEMENT

Archana Tamoshunas and April Lambert have worked cooperatively with the Girard Sharp and Ahdoot Wolfson firms on this matter to date, providing support for a number of efforts already completed or underway, including case strategy, researching claims, document analysis, and briefing and argument preparation. Appointment of Surefreight Counsel as co-lead counsel for the proposed advertiser class and Ms. Tamoshunas and Ms. Lambert to an Advertiser Plaintiffs’ Executive Committee will ensure alignment on key issues and efficient coordination of discovery and other pretrial matters, and should be granted in the Court’s discretion.

U.S. District Judge Beth L. Freeman of the Northern District of California appointed Girard Sharp and Ahdoot Wolfson to serve as interim co-lead counsel for the advertisers, supported by Archana Tamoshunas of Taus, Cebulash & Landau, LLP and April Lambert of Radice Law Firm, PC as members of the Advertising Plaintiffs’ Steering Committee. (1:21-cv-07001-PKC, Doc. 133.) Girard Sharp and Ahdoot Wolfson have led the prosecution of the advertiser claims at all times. Likewise, both before and after Judge Freeman appointed them to the Advertiser Plaintiffs’ Steering Committee, Ms. Tamoshunas and Ms. Lambert have been actively supporting and collaborating with Surefreight Counsel on behalf of the proposed class of

advertisers, including by:

- assisting in opposing and preparing for argument on Google’s motion to dismiss the advertisers’ claims;
- drafting and assisting in preparing for argument on Google’s petition for centralization before the JPML;
- preparing for and attending status conferences before Judge Freeman;
- preparing for and attending in person (Ms. Tamoshunas) the September 24, 2021 initial conference before this Court;
- collaborating with lead counsel on research, drafting, and strategy for a master amended complaint; and
- reviewing and analyzing documents produced by Google to advertiser plaintiffs.

For the reasons discussed in the Surefreight Plaintiffs’ Application, the Court should appoint Girard Sharp and Ahdoot Wolfson as interim co-lead counsel for the Advertiser Class Plaintiffs and establish an Executive Committee to work cooperatively with co-lead counsel to prosecute the advertiser claims. As Ms. Tamoshunas and Ms. Lambert are experienced antitrust practitioners who wish to continue their work on behalf of the advertisers, Surefreight Plaintiffs respectfully request that the Court appoint them to an Advertisers’ Executive Committee.

II. THE COURT SHOULD APPOINT ARCHANA TAMOSHUNAS AND APRIL D. LAMBERT TO AN EXECUTIVE COMMITTEE FOR THE ADVERTISER CASES

Both Archana Tamoshunas and April Lambert and their firms have significant antitrust experience and have successfully led many complex antitrust actions and obtained favorable results for their clients and the classes they represent.

Archana Tamoshunas is a partner at Taus, Cebulash, and Landau, LLP (“TCL”) and a seasoned litigator with twenty years of experience representing plaintiffs in antitrust class actions. She was recently appointed to the Plaintiffs’ Steering Committee in *In re Crop Inputs*

Antitrust Litigation, 21-md-2993 (E.D. Mo.), representing a proposed class of farmers on antitrust claims against numerous manufacturers, wholesalers and retailers of certain seeds and crop protection chemicals. She has also represented direct purchasers of prescription drugs in numerous antitrust class actions, attaining significant results for those classes. For example, in *In re Lidoderm Antitrust Litigation*, 14-md-2521 (N.D. Cal.), where her firm was appointed to the Executive Committee, Ms. Tamoshunas was personally involved in managing and preparing the case for trial. She helped obtain a \$166 million recovery for a class of direct purchasers and worked cooperatively with Dena Sharp of Girard Sharp on behalf of their respective clients and classes.

TCL has wide-ranging experience and expertise representing plaintiffs in complex, multidistrict antitrust and consumer protection class actions. Since its founding in 2009, the firm has been appointed lead counsel or an executive committee member in numerous class actions. The firm is currently lead counsel in *Hasemann v. Gerber*, 15-cv-02995 (E.D.N.Y.), in which it is seeking to recover overcharge damages for a certified class of infant-formula purchasers; and, as lead counsel in *Marchese v. Cablevision Systems Corp.*, 10-cv-02190 (D.N.J.), the firm obtained \$72 million in settlement benefits for a class of *Cablevision* subscribers. The firm has also served in leadership roles in complex consumer class actions in which it, along with co-counsel, have recovered significant settlements for class members. For example, as co-lead counsel in *Esslinger v. HSBC Bank Nev., N.A.*, 10-3213 (E.D. Pa.), TCL obtained a \$23.5 million settlement for cardholders.

TCL also serves or has served on plaintiff executive committees in several antitrust class actions alleging pharmaceutical companies acted unlawfully to delay market entry of more affordable generic drugs, including *In re Effexor XR Direct Purchaser Antitrust Litigation*, 11-cv-05479 (D.N.J.); *In re Zetia (Ezetimibe) Antitrust Litigation*, 18-md-2836 (E.D. Va.); and *In re*

Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation, 18-md-2819 (E.D.N.Y), and the firm has been instrumental in obtaining significant results for prescription drug purchasers in several other cases, including one of the largest recoveries for purchasers of pharmaceuticals alleging delay of generic drugs in *In re Glumetza Antitrust Litigation*, 19-cv-5822 (N.D. Ca.) (\$453 million).¹

April D. Lambert is a partner at the Radice Law Firm, PC (“RLF”) with close to twenty years of experience litigating antitrust and intellectual property cases. Representative cases that Ms. Lambert has worked on include:

- *In re Loestrin 24 FE Antitrust Litig.*, 13-02472, (D.R.I.) (\$120 million settlement in case alleging delayed generic entry of prescription drug Loestrin FE due to product hopping and other anticompetitive conduct by defendant);
- *In re Solodyn Antitrust Litig.*, 14-10438 (D. Mass.) (\$76.8 million settlement in case alleging anticompetitive scheme to delay generic competition);
- *Cung Le v. Zuffa*, 15-1045 (D. Nev.) (alleging unlawfully depressed compensation for mixed martial arts fighters caused by UFC’s monopolization of the market and anticompetitive practices);
- *Simon & Simon, PC & VIP Dental Spas v. Align Technology, Inc.*, 20-03754-VC (N.D. Cal.) (co-lead counsel in a case that alleges the maker of Invisalign dental aligners used anticompetitive actions to monopolize that market); and
- *In re Delta Dental Antitrust Litig.*, 19-06734 (N.D. Ill.) (alleging that Delta Dental’s anticompetitive practices resulted in undercompensation of dentists for their services).

John Radice founded RLF in 2012 to prosecute antitrust and False Claims Act cases and other types of complex litigation. Attorneys at the firm have extensive experience in health care, finance, and other highly regulated industries, and are involved in all aspects of litigation, from

¹ A more detailed description of the firm’s cases and Ms. Tamoshunas’s qualifications can be found in TCL’s firm resume attached as Exhibit A.

initial case investigation through trial. RLF has had a significant role in numerous class actions that have resulted in substantial recoveries for aggrieved classes, including:

- *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, 13-7789 (S.D.N.Y.) (\$2.3 billion in settlements for the class in case alleging major banks colluded to manipulate currency exchange rates);
- *In re Lidoderm Antitrust Litigation*, 14-2521 (N.D. Cal.) (\$166 million settlement for direct purchasers in case alleging that Endo and Teikoku unlawfully paid Watson to delay the launch of a generic Lidoderm pain-relief patch);
- *In re Celebrex Antitrust Litigation*, 14-361 (E.D. Va.) (\$94 million settlement in case alleging that Pfizer committed fraud before the Patent Office in securing patent protection for its pain drug);
- *In re Dental Supplies Antitrust Litigation*, 16-696 (E.D.N.Y.) (\$80 million settlement for the class; filed first case and served as liaison counsel in case alleging nationwide margin-fixing conspiracy among distributors of dental supplies); and
- *In re Solodyn (Minocycline Hydrochloride) Antitrust Litigation*, 14-2503 (D. Mass.) (\$74 million in settlements with four pharmaceutical companies on behalf of direct purchasers in case alleging reverse payments and sham litigation to delay generic entry).

RLF has served as lead or co-lead counsel in a number of antitrust actions, such as *RXDN, Inc. v. Novartis Pharms. Corp.*, 16-12399 (D. Mass.) (lead counsel in antitrust class action alleging an anticompetitive scheme to delay generic competition for Gleevec), and *Filannino-Restifo v. TD Bank, N.A.*, 16-2374 (D.N.J.) (co-lead counsel in case alleging undercounting by a bank's coin-counting machines; assisted in achieving a favorable settlement for the class that the court approved). Most recently, an RLF attorney was appointed to the four-member steering committee in the antitrust action *Reece v. Altria Group, Inc.*, 20-2345 (N.D. Cal.).²

² A more detailed description of the firm's cases and Ms. Lambert's qualifications can be found in RLF's firm resume attached as Exhibit B.

III. CONCLUSION

Surefreight Plaintiffs respectfully ask the Court to appoint Girard Sharp LLP and Ahdoot & Wolfson, PC as interim co-lead counsel for advertisers, with a supporting Executive Committee including Archana Tamoshunas and April D. Lambert.

Dated: February 23, 2022

Respectfully submitted,

/s/ April D. Lambert

April D. Lambert (*pro hac vice*)
John D. Radice (JR 9033)
RADICE LAW FIRM, PC
475 Wall Street
Princeton, NJ 08540
Tel: (646) 245-8502
Fax: (609) 385-0745
alambert@radicelawfirm.com
jradice@radicelawfirm.com

Archana Tamoshunas (AT-3935)
TAUS, CEBULASH & LANDAU, LLP
80 Maiden Lane, Suite 1204
New York, NY 10038
Tel.: (212) 931-0704
Fax: (212) 931-0703
atamoshun@tcclaw.com

*Attorneys for Advertiser Plaintiffs Surefreight
Global LLC d/b/a Prana Pets; Hanson Law
Office, as successor-in-interest to Hanson Law
Firm, PC; and Vitor Lindo*